

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CHAPWOOD CAPITAL INVESTMENT
MANAGEMENT, LLC and
ED BUTOWSKY,

Plaintiffs,

V.

CHARLES SCHWAB & CO., INC.,
WALTER W. BETTINGER, II, and KEVIN
LEWIS,

Defendants.

Civil Action No. 4:18-cv-00548-ALM-KPJ

FOURTH UPDATED JOINT STATUS REPORT

On October 30, 2018, the Court entered an Order and Report and Recommendation of United States Magistrate Judge (“Order”) (Dkt. 15), dismissing without prejudice several Defendants and referring the Plaintiffs Chapwood Capital Investment Management, LLC and Ed Butowsky (collectively, “Plaintiffs”) and the remaining Defendants Charles Schwab & Co., Inc., Walter W. Bettinger, II, and Kevin Lewis, (collectively, “Defendants”), “to binding arbitration, as agreed to by the parties.” The Court’s Order required the parties to submit a joint status report by February 27, 2019. The parties submitted a Joint Status Report (Dkt. 16), upon which this Court entered another Order (“Second Order”) (Dkt. 17) for the parties to submit an updated joint status report by May 30, 2019, on which date the parties filed an Updated Status Report (Dkt. 19). On June 6, 2019, the Court issued another Order (“Third Order”) (Dkt. 20) for the parties to submit an updated joint status report by August 30, 2019, on which date the parties filed a Second Status Report (Dkt. 21). On December 2, 2019, the Court entered an Order (“Fourth Order”) requiring the parties to “provide an updated status report indicating the status of this matter by March 27,

2020, or within seven days of the completion of the agreed arbitration, whichever is sooner.” (Dkt.

24). Pursuant to that Fourth Order, the remaining parties state as follows:

1. On August 27, 2019, Plaintiffs in this matter submitted a Demand for Arbitration with JAMS in Dallas, Texas, naming as Respondents each of the remaining Defendants in this matter. Plaintiffs copied counsel for Defendants via email on the submission.
2. On November 5, 2019, Defendants filed their Response to Plaintiffs’ Demand for Arbitration with JAMS and served it on Plaintiffs
3. On November 5, 2019, JAMS appointed three arbitrators.
4. On December 9, 2019, JAMS sent a First Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00, made payable to JAMS.”
5. On January 13, 2020, JAMS sent a Second Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00.”
6. Following this request, Plaintiffs’ counsel Ty Clevenger communicated with JAMS in February and March 2020 informing JAMS of certain personal information relating to Mr. Butowsky causing the delay in payment. Mr. Butowsky has been in and out of the hospital for the past three months, and he is currently awaiting further treatment. Mr. Clevenger apprised Defendants’ counsel of these communications on March 25, 2020.
7. No further action in this matter has occurred.

Dated: March 27, 2020

Respectfully submitted,

/s/ Brett C. Govett

Brett C. Govett
State Bar No. 08235900
brett.govett@nortonrosefulbright.com
Ellen Sessions
State Bar No. 00796282
ellen.sessions@nortonrosefulbright.com
Kyle Schindler
State Bar No. 24066033
kyle.schindler@nortonrosefulbright.com

OF COUNSEL
NORTON ROSE FULBRIGHT US LLP

2200 Ross Avenue, Suite 3600
Dallas, TX 75201-7932
Telephone: (214) 855-8000
Facsimile: (214) 855-8200

*Counsel for Defendants Charles Schwab &
Co., Inc., Walter W. Bettinger, II, and Kevin
Lewis*

Respectfully submitted,

/s/ Ty Clevenger

Ty Clevenger
State Bar No. 24034380
tyclevenger@yahoo.com
P.O. Box 20753
Brooklyn, NY 11202
Telephone: (979) 985-5289
Facsimile: (979) 530-9523

Steven S. Biss
Virginia Bar No. 32972
stevenbiss@earthlink.net
300 West Main Street, Suite 102
Charlottesville, VA 22903
Telephone: (804) 501-8272
Facsimile: (202) 318-4098
(Application for Admission Pro Hac Vice
to be filed)

*Counsel for Plaintiffs Chapwood Capital
Investment Management, LLC
and Ed Butowsky*

CERTIFICATE OF SERVICE

This pleading, Joint Status Report, was served in compliance with Rule 5 of the Federal Rules of Civil Procedure via the Court's ECF system, on March 27, 2020:

Ty Clevenger
P.O. Box 20753
Brooklyn, NY 11202-0753
Phone: (979) 985-5289
Fax: (979) 530-9523
Email: tyclevenger@yahoo.com

Steven S. Biss
300 West Main Street, Suite 102
Charlottesville, VA 22903
Phone: (804) 501-8272
Fax: (202) 318-4098
Email: stevenbiss@earthlink.net

/s/ Brett Govett

Brett Govett